

**NOTES BELOW REPRESENT NOTES
AFTER SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER
DOCUMENTS WILL BE REVIEWED PRIOR
TO HEARING**

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00343

CASE NAME: JUDITH R KERR

HEARING:
SECOND ACCT CURRENT & REPORT

	COUNSEL:
TIMOTHY D KERR	(PET)...DAVID M GROSSMAN
JUDITH R KERR	(CPE)...

GENERAL INFORMATION: accounting covers 9-1-02 through 8-31-04.

THIS CASE IS SET FOR HEARING ON second account current and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that the court approve expenditures for family members of the Conservatee. They include hearing aids for the Conservator, computers for Conservator and Conservatee's grandson and purchase of chinchillas and cage for the Conservatee's granddaughter. The petitioner also requests money to buy a microwave and replace the garage door. The petitioner initially alleges that these purchases will benefit the Conservatee, but then states if the court finds that they do not benefit the Conservatee then the court should order the money spent as gifts, in the amount of \$5,735. It should be noted that the assets of the Conservatee are limited and are diminishing. It may not be in the best interests of the estate to allow any gifts. It should be noted that in addition to the \$3,030.18 in household appliances that the court authorized the petitioner to purchase, the petitioner spent \$9,284.77 in gifts to family members without authorization. This is particularly significant in that the income of the Conservatee for this 2 year accounting period was only \$35,590.04. Such requests should really be made under a petition for substituted judgment pursuant to Pr. C. § 2580 and the court should follow the guidelines set forth in 2583.

2. It appears that a large amount of expenditures are made for gifts to Conservator and other family members. There are also extensive auto repairs. Are the auto repairs for the Conservatee's auto? If so who is driving it, and is it used for purposes other than the benefit of the Conservatee? If so, is the Conservatee's account charged for all repairs.
3. Conservator pays himself \$1,100 a month for room and board of the Conservatee. He requests permission to continue with such payments.
4. Attorney requests fees of \$3,530.50. It should be noted that the attorney appears to be billing at least a portion of his fees for the services of a legal assistant at \$85 per hour. The norm for this area generally does not exceed \$75 per hour for such services.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the next account for 11-7-06, to cover the period of 9-1-04 through 8-31-06. Accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00435

CASE NAME: FREDESVINDA THORNE

HEARING:
Status Conference

COUNSEL:
ARTHUR A CAPPILLA (PET)...BARBARA E BOWERSOCK
FREDESVINDA THORNE (PCE)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The minute order of 12-2-03 indicates that the matter is on for status conference.
This statement is not correct. The matter should be on for accounting review. No accounting filed.
2. Court Investigator's biennial review in the file.

RECOMMENDATION:

Court should indicate that the matter is on for accounting. Court should have the clerk give notice of the accounting hearing.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RC RS00507

CASE NAME: CHRISTOPHER JOSEPH HOLGUIN

HEARING:
Petition for Appointment of Conservator

COUNSEL:
JESSE HOLGUIN SR (PET)...WILLIAM E WINDHAM
YOLANDA HOLGUIN (PET)...WILLIAM E WINDHAM
CHRISTOPHER JOSEPH HOLGUIN (PCE)...
INLAND COUNTIES REGIONAL CENTE(AGN)...PRO/PER

GENERAL INFORMATION: Temporary letters issued September 27, 2004. Continued from 11-23-04. Court referred the matter to Inland Regional Center for a report and recommendation. We are awaiting report.

THIS CASE IS SET FOR HEARING ON: Petition for conservatorship of the person only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner seeks medical powers under Pr. C. § 2355(a). Please file capacity declaration.
2. Proposed conservatee is apparently developmentally disabled. The court may wish to obtain a report from the Inland Regional Center.
3. Proposed conservatee will attend the hearing.
4. Conservatee **CAN** complete the Affidavit of Voter Registration.
5. Court previously dispensed notice to maternal and paternal grandparents and conservatee's brothers and sister.
6. File notice of hearing and proof of service on Inland Regional Center.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS00775

CASE NAME: MICHAEL, CHRISTOPHER AND DESIRAY

HEARING:
Petition for Termination of Guardianship

COUNSEL:
ALICE MARY BURCIAGA (PET)...PRO/PER
MICHAEL L SHREWSBURY (MIN)...
CHRISTOPHER JAMES YOUNGER (MIN)...
DESIRAY STAR DAVIS (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner is the guardian. I cannot tell if this petition is as to both Christopher Younger and Michael Shrewsbury. They are both listed under number 1(a), but only Michael is addressed in section 5. Court will need to clarify this issue. Petitioner indicates that Michael is living with his paternal grandfather. If this does concern Christopher as well then court will have refer the matter to C.P.S. for a determination of what is to be done with Christopher.
2. File notice of hearing and proof of service on minors 12 years of age and over.
3. A due diligence declaration filed as to mother. Judge to decide if sufficient.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01349

CASE NAME: BRANDYN K JACKSON

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
MICHAEL J MCCOY (PET)...PRO/PER
BRANDYN K JACKSON (MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re failure to file required documents and sanctions. Issue a citation and have it personally served on the guardian.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01569

CASE NAME: MICHAEL APOLONIO ORTIZ-ZAMORA

HEARING:
Petition for Appointment of Guardian

COUNSEL:
LYDIA BURNS (PET)...PRO/PER
TATUM BURNS (PET)...PRO/PER
MICHAEL APOLONIO ORTIZ-ZAMORA (MIN)...

GENERAL INFORMATION: Continued from 12-21-04. Nothing new filed.

THIS CASE IS SET FOR hearing on Petition for Guardianship, person only, by maternal aunt and spouse, minor 9

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Allegations of mother's alcohol/drug abuse and physical abuse on minor.
2. Temporary letters issued on 10-28-04.
3. Need to file proof of personal service on mother.
4. Court to review the Confidential Guardian Screening Form.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01573

CASE NAME: JONATHAN CHARLES LEACH

HEARING:
Petition for Appointment of Guardian

COUNSEL:
GERALD MOLTER (PET)...PRO/PER
DEANNA MOLTER (PET)...PRO/PER
JONATHAN CHARLES LEACH (MIN)...

GENERAL INFORMATION: continued from 12-21-04. Petitioner withdrew request for guardianship of the estate. Nothing new filed.

THIS CASE IS SET FOR hearing on Petition for Guardianship, person, by maternal grandmother & spouse, minor 2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary orders issued on 11-15-04.
2. Due diligence declaration filed as to Richard Leach, Sr. the maternal grandfather. Judge to decide if sufficient.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01585

CASE NAME: JULIO RAFAEL RIVAS

HEARING:
Petition for Appointment of Guardian

COUNSEL:
SALVADOR GONZALEZ (PET)...PRO/PER
SALVADOR GONZALEZ (PG)...PRO/PER
FLOR GONZALEZ (PG)...PRO/PER
JULIO RAFAEL RIVAS (MIN)...

GENERAL INFORMATION: Temporary letters issued 1-26-05

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor 9 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Appears that petitioner has completed the limited service required by the court.
2. On 12-7-04 the court ordered temporary letters. Do not see that letters ever issued.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01595

CASE NAME: PRICILLA MORENO

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
CLINT POULTER	(PET)...ROBBINS & HOLDAWAY
JESSICA POULTER	(PET)...ROBBINS & HOLDAWAY
PRICILLA MORENO	(MIN)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by second cousin and husband, minor 4.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Notice appears complete.
2. Positive D.C.S. report in file.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01597

CASE NAME: ARLENE M CONTRERAS

HEARING:
Petition for Appointment of Guardian

COUNSEL:
KARLA V TOVAR (PET)...PRO/PER
ARLENE M CONTRERAS (MIN)...
COURT INVESTIGATOR (AGN)...PRO/PER

GENERAL INFORMATION: Temporary letters issued 12-28-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by caregiver, minor 6.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Court has referred the matter to Court Investigator for report and recommendation.
3. Need D.C.S. report as petitioner not related to minor.
4. Court may wish to review confidential screening form.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KATRINA WEST

DATE: 02/01/05 TIME: 9:30 DEPT: R15P

CASE #: RG RS01599

CASE NAME: MICHAEL ISSIAH SEVILLA

HEARING:
Petition for Appointment of Guardian

COUNSEL:
MARVINA STRONG (PET)...GREGORY T ANNIGAN
MICHAEL ISSIAH SEVILLA (MIN)...

GENERAL INFORMATION: Temporary letters issued 12-22-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandmother, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court ordered only mailed service on parents. Did court want personal service?
2. Petitioner failed to sign front of guardianship questionnaire. File signed front page.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00080

CASE NAME: IN THE CONSERVATORSHIP OF DANIELLE MARIE DOBIAS

HEARING:
FIFTH ACCT CURRENT & REPORT

	COUNSEL:
MARC A DOBIAS	(PET)...ALTHOUSE & MCDONOUGH
TERRY K DOBIAS	(PET)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION: covers 10-1-02 through 9-30-04.

THIS CASE IS SET FOR HEARING ON 5th account current.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to increase bond by \$160,000.
2. Petitioner requests substitution of surety from Highlands Ins. to American Contractors Indemnity.
3. Conservators waive fees.
4. Petitioners receive \$1,200 per month for extra-ordinary maintenance of the Conservatee, who is developmentally disabled.
5. Attorney requests fees of \$1,138. Amount is itemized.
6. Current Court Investigator report in file.
7. Accounting looks ok.

RECOMMENDATION:

Recommended for approval. Set hearing for the next account for 12-5-06, to cover the period of 10-1-04 through 9-30-06. Accounting to be filed 30 days in advance.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00218

CASE NAME: CONSRVTRSHIP OF MARY B FULTON

HEARING:
Hearing Re: 1ST & 7TH ACCOUNTING.

	COUNSEL:
CECIL HALL	(PET)...MANNERINO & BRIGUGLIO
LAURA JOYCE HALL	(PET)...MANNERINO & BRIGUGLIO
WARREN HALL	(PET)...MANNERINO & BRIGUGLIO
KELLY HALL	(PET)...MANNERINO & BRIGUGLIO
THOMAS C BAILLIE JR	(OBJ)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This was the contested accounting for the now deceased Conservatee.
Conservatee died on 3-27-02. It appears that all issues have been resolved.
2. Settlement agreement has been filed. However, there is nothing on the settlement that calls for the court to approve the settlement.

RECOMMENDATION:

Court will have to inquire if the court's approval is sought on the settlement. Court will need to inquire if any more accounting issues remain outstanding. If no accounting issues remain outstanding then court should inquire if the parties are requesting the court to oversee distribution and closing up of the conservatorship. Court may wish to require a written statement concerning any remaining issues.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00317

CASE NAME: CRAIG MCMICKIN

HEARING:
Petition for TRANSFER PROCEEDING TO RIVERSIDE COUNTY, CALIFORNIA

COUNSEL:
INLAND COUNTIES REGIONAL CENTE(CE)...BRUNICK, MCELHANEY &
BECKETT
CRAIG MCMICKIN (PCE)...JAMES BANKS JR
LAMOND POE (OBJ)...SCOT D STIRLING

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON petition to transfer proceedings to Riverside.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The Conservatee has permanently moved his residence to the Riverside. The Limited Conservator, Inland Regional Center, requests that the matter therefore be transferred to Riverside Superior Court. This appears appropriate.
2. There are no objections in the file.

RECOMMENDATION:
Recommended for approval absent objection.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00432

CASE NAME: ANASTACIA CORTEZ SIFUENTES

HEARING:
Hearing Re: REVIEW/ STATUS OF CO-CONSERVATORS.

COUNSEL:
ROBERT SIFUENTES (PET)...ALTHOUSE & MCDONOUGH
ANASTACIA CORTEZ SIFUENTES (PCE)...MAUREEN MURATORE
ROY SIFUENTES (OBJ)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON review/status of co-Conservators

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 9-7-04 the court appointed co-Conservators and then continued the matter for status of the co-Conservators to this date. Nothing new filed on this issue.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RC RS00502

CASE NAME: WILLIE MAE WASHINGTON

HEARING:

Hearing Re: ACCEPTANCE OF APPOINTMENT BY PUBLIC GUARDIAN.

COUNSEL:

PAMELA JUNE OGLETREE (PET)...JEFFREY J CZECH
WILLIE MAE WASHINGTON (PCE)...MAUREEN MURATORE
PUBLIC GUARDIAN (PCR)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON acceptance of appointment by Public Guardian.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 11-30-04 the court appointed the Public Guardian as temporary Conservator of the Conservatee. The matter is set for acceptance of appointment by the Public Guardian.
2. Nothing new filed.

RECOMMENDATION:

None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS00802

CASE NAME: EDWARD TONY ALVAREZ

HEARING:
Petition for Termination of Guardianship

COUNSEL:
EDWARD ALVAREZ (PET)...ROBERT F LEAVELL
EDWARD TONY ALVAREZ (MIN)...

GENERAL INFORMATION: Minor received a bequest of money from a deceased grandparent. A guardianship was established for the purpose of placing the money into the minor's estate. The money was placed into a blocked account in 2000. Continued from 11-23-04 and 1-11-05. Nothing new filed.

THIS CASE IS SET FOR HEARING ON: Petition to withdraw funds from a blocked account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is minor's father. He's asking to release the funds to pay for the minor's college tuition.
2. The court should note that the minor is 21. By operation of law, the guardianship terminated on the minor's 18th birthday. Petitioner should be instructed to file a petition to terminate the guardianship and the court should then set the matter for a final accounting.

RECOMMENDATION: Instruct petitioner to file a petition to terminate guardianship and a final accounting.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS01540

CASE NAME: TROY MICHAEL BLASINGAME

HEARING:
Petition for Appointment of Guardian

COUNSEL:
MIKE BLASINGAME (PET)...THOMAS V PRATT
RONNA BLASINGAME (PET)...THOMAS V PRATT
TROY MICHAEL BLASINGAME (MIN)...

GENERAL INFORMATION: Temporary letters issued 9-9-04. Continued from 11-30-04. Mother appeared and objected. Court ordered mother to file written objections. Mother has filed objections. Court may wish to refer matter to Court Investigator. Matter referred to F.C.S. We are awaiting report.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minor 1.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of mailed service on Court Investigator.
2. Confidential screening form incomplete as to Mike Blasingame in §§ 5-8.
3. Court may wish to review confidential screening form.

RECOMMENDATION:

Matter is contested. Court may wish to refer matter to Court Investigator for report and recommendation.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS01544

CASE NAME: THOMAS P RICHBARK

HEARING:
Petition for Appointment of Guardian

COUNSEL:
BOBBIE THOMAS (PET)...PRO/PER
THOMAS P RICHBARK (MIN)...

GENERAL INFORMATION: Temporary letters issued September 9, 2004. Continued from 11-30-04.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by friend of aunt, minor 15.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The order dispensing notice and the order prescribing notice are somewhat confusing. As best I can tell notice still required as to Court Investigator, maternal grandmother and paternal grandfather.
2. Guardian not related to minor. D.C.S. report is in the file.
3. Section 3(a) of the U.C.C.J.E.A. is not properly completed. Petitioner needs to provide the dates of residence, the addresses of the residences and the names and relationships of the persons who minor lived with. Please file supplemental.
4. Court may wish to review guardianship questionnaire.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JANET M FRANGIE

DATE: 02/01/05 TIME: 9:30 DEPT: R16P

CASE #: RG RS01596

CASE NAME: SAMIYA RENEE HALL

HEARING:
Petition for Appointment of Guardian

COUNSEL:
DOROTHY EASTLAND (PET)...PRO/PER
SAMIYA RENEE HALL (MIN)...

GENERAL INFORMATION: Temporary letters issued 1 -4-05.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by
maternal grandmother, minor 5 mos.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. File guardianship questionnaire.
3. Court may wish to review confidential screening form.

RECOMMENDATION:
None.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS01895

CASE NAME: E. BETTY C. HILL

HEARING:

SECOND and Final Account and Report.

COUNSEL:

WAYNE D BLANTON (PET)...BANKS AND STRATHMAN
E BETTY C HILL (DEC)...

GENERAL INFORMATION covers 10-1-02 through 4-30-04. Continued from 10-12-04 and 12-14-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON second and final account by first successor trustee to the Blanton Family Trust, request to terminate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner opened estate as a creditor. Petitioner is the step-brother of decedent. Decedent was the first trustee of the Blanton Family Trust: a trust established by decedent's and petitioner's parents. (See RPR 02077 on this calendar) The trust called for petitioner to be appointed successor trustee upon the death of decedent. As successor trustee, petitioner discovered that the decedent apparently made advance distributions of trust funds to herself, her husband and to her son in the amount of \$218,581.24.
2. Petitioner has filed an accounting, however it is not an accounting of the estate. Rather, the accounting refers to the Blanton Family Trust. This accounting cannot substitute for an accounting of the E. Betty Hill estate.

RECOMMENDATION:

Require accounting of estate.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS

CASE NAME: *MF* .SPRINGFIELD ESTATE TRUST EST 07/09/86

HEARING:
Petition for CREATION OF SPECIAL NEEDS TRUST

COUNSEL:
DENNIS R HERMAN (PET)...ALLAR, SHELTON & O'CONNOR
PATRICIA L HERMAN (PET)...ALLAR, SHELTON & O'CONNOR
LESLIE KINCAID (OBJ)...ANNETTE G DE BELLEFEUILLE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON creation of special needs trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This is a case that has been ongoing and deals with the creation of a trust. Leslie Kincaid objected to the trust and litigation ensued. The parties entered into a settlement and as a part of the settlement a the petitioner is petitioning the court to create a special needs trust.
2. The petition was filed after 1-1-05. The petition refers the beneficiary of the trust as an incompetent person. The code was amended effective 1-1-05. The term now used is "a person with a disability". That terms is defined in Pr. C. § 3603. Petitioner has failed to provide the necessary information to establish that the beneficiary falls within the amended 3603.
3. The trust as proposed appears to be in accord with the requirements of 3600 et seq. It should be noted however, that the petitioner has indicated that a copy of the annual accounting shall be served on the probate Conservator. There is no Conservator and the petitioner went to some length to explain why no Conservatorship has been sought. Question if this clause is appropriate. The petitioner indicates that an annual account will be filed with the court. Suggest that first account should be 14 months after establishment every 26 months thereafter.

4. Trust also indicates that the court should set bond, but petition does not suggest a figure for the bond. Suggest bond be set in the amount \$641,000. Also suggest that the court set a date for the filing of an inventory and appraisal so that we can have a starting base for any future accountings.
5. The court will have to make the findings found at Pr. C. § 3604(b).
6. There are 3 attorneys in this case who are requesting fees. Attorney DeBellefeuille requests fees in the amount of \$7,692.50. The request is itemized. There are a couple of things that concern me. First, the attorney is court appointed and charging for travel time from her Lake Arrowhead office. It would seem that the court could have appointed a local attorney and avoided those charges. Second, the attorney is charging for research time in the preparation of a special needs trust. This charge combined with the travel charge amounts to \$1,825 and would appear excessive. Attorney Ask is requesting \$9,757.68. He is billing legal assistants at \$85 to \$125 per hour. The norm for this area does not exceed \$75 per hour. It appears that Ask charges for dictating notes after hearing and then the legal assistant charges for transcribing the dictation. He also charges for instructing his clerks. He charges for mileage. Attorney Wilson with Fullerton, Lemann, Schaefer and Dominick is requesting \$8,401.27 in fees. Mr. Wilson's itemization is less extensive than the other attorneys so it is not as clear if any of the fees may be considered excessive. Petitioner indicates that as the fees requested represent 4% of the total recovery the court should allow the requested fees.

RECOMMENDATION:

None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS01999

CASE NAME: JOHN W BATTAGLIA

HEARING:
OSC re: FAILURE TO FILE REQUIRED DOCUMENTS

COUNSEL:
DEBBIE J BATTAGLIA (PET)...PRO/PER
JOHN W BATTAGLIA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Failure to file required documents verification for waiver of accounting and final report and order after hearing.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Verification and order after hearing have now been filed.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and discharge for 4-11-06. The petitioner has filed a final discharge order, but the court cannot sign that document until receipts have been filed.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02077

CASE NAME: BLANTON FAMILY TRUST 06/21/99

HEARING:
SECOND and Final Account and Report.

COUNSEL:
MARK W HILL (PET)...MARK J TUNDIS
WAYNE BLANTON (TEE)...JAMES BANKS JR

GENERAL INFORMATION: covers 10-1-02 through 4-30-04. Continued from 10-12-04 and 12-14-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 2nd and final account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner contends that there are 2 trusts. He previously accounted for only those assets that he had control over. He contends that there were assets traded outside the trust. He indicates that the current accounting deals with all the assets.
2. File notice of hearing and proof of service. The only person noticed is Attorney Mark Tundis. This is not in accord with the requirements of Pr.C. § 17203.
3. The petition has both the case number for this case and case number for the Estate of Hill. Petitioner should be ordered to file a copy of this document in the Estate of Hill.
4. The first trust had no exhibit A (referred to by the petitioner as the Maroney Trust). Petitioner alleges that all the assets were vested in the second trust (referred to by petitioner as the Jones Trust).
5. Petitioner alleges that while Maxine Blanton was trustee she transferred substantial assets out of the community property and/or trust without adequate consideration. Betty Hill was the successor trustee of the Jones Trust and it is alleged that while she was trustee she transferred substantial assets out of the trust without adequate consideration. It is alleged that all of these transfers were to Betty Hill, her husband or her son Mark.

6. During this accounting period trustee has been paid \$5,280. Attorney has been paid \$8,506.60. Accountants have been paid \$7,852.50. Do not see itemization of any of these fees.
7. Petitioner requests permission to withhold \$10,000 against future fees.
8. There is no objection in the file.

RECOMMENDATION:

Court needs to determine if the petitioner wants the court to maintain jurisdiction over this matter through the distribution. If so then the court should set a hearing for filing of receipts and final discharge. Set hearing for 4-11-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02315

CASE NAME: HAZEL MONAGHAN

HEARING:

OSC re: FAILURE TO FILE REQUIRED DOCUMENTS AND SANCTIONS

COUNSEL:
WILLIAM A JAMES (PET)...PRO/PER
HAZEL MONAGHAN (DEC)...

GENERAL INFORMATION citation was issued. We have return of citation. The administrator has been served. Cost of citation to the court was \$30. Petitioner has also filed a request to be reinstated and has filed a supplemental.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED: Add to comments in notes.

1. At page 3 paragraph 5, petitioner alleges that the inventory and appraisal listed the assets at \$103,994.04. Petitioner then states that there were additional assets of \$617,360. Petitioner then proceeds to distribute the smaller amount. What happened the larger amount? Were these assets not subject to probate? File supplemental. **Larger amount was in a trust and therefore not subject to probate.**
2. Petitioner bases statutory fees under the lower figure above. Pr.C. § 10800 was amended on 1-1-02. The fees are calculated under the pre-amendment fee schedule. Under the amended fee schedule fees should be \$4,119.82, not \$3,180.38. Please clarify if petitioner is waiving the additional fees. **Petitioner now requesting \$4,119.82 in fees.**
3. Please indicate the nature of the property (community, sole and separate, etc.). **In supplement petitioner says that the property was joint property. What does that mean? Was it community property? Was it joint tenancy?**
4. File order after hearing.

Recommend:

Court reinstate petitioner. Sanction him \$30 to cover cost of service of citation. Require an additional supplement as to number 4. Require the filing of an order after hearing. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 4-11-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02315

CASE NAME: HAZEL MONAGHAN

HEARING:
Petition for REINSTATEMENT OF WILLIAM A JAMES AS EXECUTOR

	COUNSEL:
WILLIAM A JAMES	(PET)...PRO/PER
HAZEL MONAGHAN	(DEC)...

GENERAL INFORMATION see preceding page.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02324

CASE NAME: KAREN ASH

HEARING:

Petition for TO SET ASIDE EXEMPT PERSONAL PROPERTY TO SURVIVING
SPOUSE OF DECEDENT

COUNSEL:

LORI LYNN PRICE	(PET)...	QUINBY & RUNDLE LAW CORPORATIO
KAREN ASH	(DEC)...	
DAN ASH	(OBJ)...	ROBERT L KERN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to set aside personal property of the estate to the surviving spouse pursuant to Pr. C. § 6510.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner is the surviving spouse of the decedent. There are continuing disputes between the petitioner and the children of the decedent. Petitioner alleges that when he and the decedent married they each had household items that were a duplication of the others household items. It is alleged that they agreed to sell his household items and furnishing and to keep the decedent's property as their joint property. Petitioner alleges that he needs these items to set up a new household as the real property will have to be sold in order to divide the asset. He requests that the court award him this property pursuant to Pr. C. § 6510. That section states that after the filing of the inventory and appraisal (it was filed on 2-9-04) the court has the discretion to set apart all or any part of the property of the decedent exempt from enforcement of a money judgment to the surviving spouse. Petitioner does not indicate what money judgment he is talking about. He merely says that this probate is contested and he needs the household furniture and furnishings.
2. Notice appears to be complete.
3. Objections have been filed. Matter is contested.

RECOMMENDATION:

Matter is contested. Suggest court set matter of M.S.C.

Rancho Superior Court

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02324

CASE NAME: KAREN ASH

HEARING:

Petition for ORDER INSTRUCTING CO-SPECIAL ADMINISTRATOR TO
VACATE RESIDENCE AND TO PAY RENTAL

COUNSEL:

LORI LYNN PRICE

KAREN ASH

DAN ASH

(PET)...QUINBY & RUNDLE LAW CORPORATIO

(DEC)...

(OBJ)...ROBERT L KERN

GENERAL INFORMATION continued from 12-21-04 due to illness of counsel. Nothing new filed except matter on page 6.

THIS CASE IS SET FOR HEARING ON petition to instruct co-special administrator to vacate residence and to pay rent.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that co-special administrator has resided in the residence of the estate since the death of the decedent. The co-special administrator, Dan Ash, is the surviving spouse of the decedent. There is a dispute as to the validity of the will of the decedent. However, I do not see that an actual will contest has ever been filed. At any rate, the petitioner requests that the court order Ash to vacate the residence and pay rent of \$1,750 per month for all but the first 4 months after the death of the decedent. Petitioner alleges that even though no homestead has been filed by Ash, recognizing that one could be filed, she is not requesting rent for the first 4 months.
2. The petition is devoid of any showing of an agreement for the payment of rent or the basis upon which a fair rent of \$1,750 was determined. In the absence of an agreement, it is not clear upon what basis this court could order the rent retroactively.

3. It could be argued that from the time that Ash became a co-special administrator he assumed a fiduciary obligation to not waste the assets. Failure to pay or collect rent could be construed as a breach of that fiduciary obligation. However, these issues were not raised in the moving papers.
4. It should be noted that this matter is also scheduled for a petition to sell the residence. The court should inquire if the petitioner has determined if the insurance carrier will continue to insure the residence if it is vacant pending sale.
5. There is no objection in the file at the time of this review.

RECOMMENDATION:

Suggest that the court set this matter for an evidentiary hearing to determine if there was an agreement for the payment of rent and what the fair rental value is. Further, why it is necessary that Ash be removed if rent is paid? In the alternative the court may wish to set matter for an M.S.C.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02324

CASE NAME: KAREN ASH

HEARING:
Petition for AUTHORITY TO LIST AND SELL REAL PROPERTY

	COUNSEL:
LORI LYNN PRICE	(PET)...QUINBY & RUNDLE LAW CORPORATIO
KAREN ASH	(DEC)...
DAN ASH	(OBJ)...ROBERT L KERN

GENERAL INFORMATION Continued from 12-21-04 due to illness of counsel. Nothing new filed except matter on page 6.

THIS CASE IS SET FOR HEARING ON petition for authority to sell real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, co-special administrator Price, alleges that sale is necessary to relieve the estate from payment of the mortgage and to pay debts of the estate. Petitioner requests authority to enter into an exclusive listing agreement with Bo Watkins of First Team Real Estate, Inc. with a 6% commission rate for a period not to exceed 90 days. This is the residence currently occupied by co-special administrator Ash.
2. It should be noted that this is not the only piece of real property in the estate, per the inventory and appraisal. See green tab in file. There is no request to sell the other real property.
3. There is no objection in the file at the time of this review.

RECOMMENDATION:
None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02328

CASE NAME: TED BRYAN LIVING TRUST

HEARING:
Petition for SET ASIDE TRUST AGREEMENT

	COUNSEL:
JACQUELINE ROBB	(PET)...PRO/PER
TED BRYAN	(DEC)...
SYLVIA BEATRICE BICE	(RES)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION continued from 1-27-04, 6-15-04 and 9-14-04. Nothing new filed. Note: Attorney Brock has filed a substitution of attorney and petitioner is now a self-represented litigant. Matter continued from 11-30-04 for filing of settlement. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to set aside trust agreement.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ted Bryan created a trust in 1997 and restated the trust in 1999. Bryan died on 9-5-03. Petitioner alleges that she is the successor trustee of that trust. She further alleges that the respondents in this action are holding assets that belong to the trust. Apparently on 8-2-01 the decedent executed a new and different trust. It is based on this later trust that the respondents hold the assets. Petitioner alleges that the later trust is invalid and seeks to set aside that trust agreement.
2. Petitioner alleges that the decedent was subjected to undue influence when induced to sign the new trust. Petitioner further alleges that the decedent was not competent on 8-2-01 to have executed the new trust. Petitioner alleges that the execution was improper. Finally petitioner alleges that the trust was procured by fraud.

3. The first trust gives everything to the petitioner and specifically excludes respondent Sylvia Bice. The new trust gives everything to Sylvia Bice and specifically excludes petitioner.
4. It would appear that notice is sufficient.
5. An answer has been filed.

RECOMMENDATION:

Matter is contested. Determine if parties need additional time for discovery. If not set for M.S.C.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02328

CASE NAME: TED BRYAN LIVING TRUST

HEARING:
Petition for DETERMINING TITLE AND FOR ORDER DIRECTING
CONVEYANCE OF REAL & PERSONAL PROPERTY & ACCTG

COUNSEL:
JACQUELINE ROBB (PET)...PRO/PER
TED BRYAN (DEC)...
SYLVIA BEATRICE BICE (RES)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION see preceding page. This petition is filed by the same person that filed the petition on the preceding page and is based on the same facts. Matters were continued for filing of settlement. No settlement agreement has been filed.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02383

CASE NAME: THE RAFAEL HERNANDEZ TRUST

HEARING:
Petition for AMEND ORDER DUE TO CHANGED CIRCUMSTANCES

COUNSEL:
WELLS FARGO BANK, N.A. (PET)...FARMER & RIDLEY
RAFAEL HERNANDEZ (DEC)...
OBO MINOR CHILDREN (MIN)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION On 6-21-04 the parties entered into a stipulated agreement concerning disputed issues of the special needs trust. The court entered an order and then stayed it due to the fact that the parents of the beneficiary were separating. Since that time the parties have been attempting to work out a settlement. Petitioner, the trustee, now moves the court to amend the settlement.

THIS CASE IS SET FOR HEARING ON Petition to amend order due to change of circumstances, for authority to expend money to purchase residence.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At the time of the settlement the parents were to be paid \$150,000 for the care of the beneficiary. The parents have separated and the father appears not to be cooperating with settlement negotiations. Petitioner requests that he be permitted to pay mother \$75,000 for her share of the reimbursement for care of the beneficiary to cover all care up to the present. There is no agreement with the father.
2. Petitioner also requests that the prior order of the court to expend \$750,000 for a purchase of a house in the name of the trust be extended to \$850,000. The petitioner also indicates that the parents have expended \$30,000 of trust assets on modifications of the family residence to accommodate the minor. Petitioner requests that he be allowed the alternative of purchasing the family home in the name of the trust if this best suits the needs of the minor.

3. Petitioner requests permission to amend the trust to allow for expenditures in such a fashion that would allow the minor to become Medi-Cal eligible. Petitioner also wishes to require regular accountings to the court beginning 4-1-05. It should be noted that this is not a regular court date. The court would have to set hearing on a regular court date, suggest that this occur the first available date 30 or more days after the suggested accounting date above. Petitioner also requests that the trust be amended to include a statement that resignation of trustee shall only be upon petition to the court.
4. Court had ordered that each parent receive \$2,500 per month for attendant care of the minor. Further the court ordered \$2,400 per month payment to parents for minor's expenses. Petitioner has been paying the total amount to the mother as the father has vacated the premises. Petitioner requests that he be authorized to pay mother the \$5,000 per month plus the \$2,400 for the care of the minor.
5. Notice appears complete.
6. There is no opposition in the file.

RECOMMENDATION:

None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02399

CASE NAME: JACKIE L MEADOWS JR

HEARING:

Petition for INSTRUCTIONS RE: FURTHER AND MORE SPECIFIC
INSTRUCTIONS BY MELISSA MEADOWS

COUNSEL:

PATRICIA D MEADOWS	(PET)...	JULIAN ELI CAPATA
JACKIE L MEADOWS JR	(DEC)...	
MELISSA MEADOWS	(PET)...	ANJA REINKE

GENERAL INFORMATION This matter is filed by Melissa Meadows and concerns the matter on the next page.

THIS CASE IS SET FOR HEARING ON Petition for further and more specific instructions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving spouse of the decedent. Petitioner indicates that the petition of Patricia Meadows is not clear, but appears to be requesting that the court determine the validity of the marital settlement agreement. Apparently this petitioner is requesting that the court make that determination. Petitioner further alleges if the court determines that it need not determine the validity of the marital settlement agreement based on the presumptiveness of title then title transfers the assets to her and the probate should be dismissed.
2. This petitioner alleges that the martial settlement agreement had no validity due to the fact that the parties had reconciled and the dissolution and agreement were never taken to judgment.
3. A response has been filed. The matter is contested.
4. This again appears to be part of an 850 petition.

RECOMMENDATION:

See next page for recommendations.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02399

CASE NAME: JACKIE L MEADOWS JR

HEARING:

Petition for INSTRUCTIONS CONCERNING PROPERTY HELD BY DECEDENT
AT THE TIME OF HIS DEATH

COUNSEL:

PATRICIA D MEADOWS (PET)...JULIAN ELI CAPATA
JACKIE L MEADOWS JR (DEC)..
MELISSA MEADOWS (PET)...ANJA REINKE
GENERAL INFORMATION Filed by Patricia Meadows.

THIS CASE IS SET FOR HEARING ON petition for instructions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This is termed a petition for instructions for an order pursuant to Pr. C. § 850. The court does not instruct on matters within the code. The petitioner has clearly pointed out the section of the code that covers what actions are to be taken.
2. Objections have been filed to the petition for instructions by Melissa Meadows. The objections indicate that there is no property subject to probate as it all passed by way of the death of the joint tenant. This would constitute the very basis of an 850 petition. The 850 petition would be used to determine if the property properly passed. The remainder of the objections deal with what could be construed as a defense to an 850 petition in this matter.

RECOMMENDATION:

The court has a couple of options. First, the court could deny the request for instructions. Second, the court could deem the petition for instructions a petition pursuant to Pr. C. § 850 and order the petitioner to properly serve the petition pursuant to Pr. C. § 851. Third, if the court deems the matter an 850 petition then the court should deem the objection an answer to the deemed 850 petition. Objector has also filed a subsequent petition

(scheduled for hearing on 2-1-05) for instructions that could be deemed an additional answer. If the court elects to deem the objection and subsequent petition for instructions to be the answer to the deemed 850 petition then the court need not require further service on the objector, as she will have submitted herself to the jurisdiction of the court.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02399

CASE NAME: JACKIE L MEADOWS JR

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
PATRICIA D MEADOWS (PET)...JULIAN ELI CAPATA
JACKIE L MEADOWS JR (DEC)...
MELISSA MEADOWS (PET)...ANJA REINKE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner cannot resolve the issue of the inventory and appraisal until the issue of the 850 petition is resolved on the preceding page.

RECOMMENDATION:
Trail the matters on the preceding pages.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02407

CASE NAME: ELEANOR VASQUEZ REVOCABLE TRUST

HEARING:
Status Conference

	COUNSEL:
LUPE VASQUEZ	(PET)...MICHAEL S HARMS
ELEANOR VASQUEZ	(DEC)...
ANDREW ALBERTI JR	(OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status conference.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter concerns an 850 petition. We have a verified response to the petition.
Matter is on for status conference.

RECOMMENDATION:

Court will need to determine if there is discovery that needs to be done. If so court may wish to set discovery cut off date. Court may also wish to set matter for M.S.C.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02438

CASE NAME: HARALD OTTO KARL RICHTER

HEARING:
Petition for ORDER DETERMINING OWNERSHIP OF JOINT TENANCY
ACCOUNTS

COUNSEL:
DENIS RICHTER (PET)...LAYNE A BARTHOLOMEW
HARALD OTTO KARL RICHTER (DEC)...

GENERAL INFORMATION Continued from 12-14-04 for presentation of admissible evidence of the alleged murder/suicide. The petitioner has now presented the police reports and witness statements. These documents are hearsay. Court may wish to require some form of testimony to substantiate the information in the police report.

THIS CASE IS SET FOR HEARING ON order determining ownership of joint tenancy accounts.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Set forth compliance with Pr. C. § 851 notice.
2. Petitioner alleges that the petitioner's father murdered his mother and then the father killed himself. Based thereon the petitioner requests that the court sever the joint tenancy held by the two decedents.
3. "A joint tenant who feloniously and intentionally kills another joint tenant thereby effects a severance of the interest of the decedent so that the share of the decedent passes as the decedent's property and the killer has no rights by survivorship. This section applies to joint tenancies in real and personal property, joint and multiple-party accounts in financial institutions, and any other form of coownership with survivorship incidents." Pr. C. § 251.
4. "(a) A final judgment of conviction of felonious and intentional killing is conclusive for purposes of this part.
(b) In the absence of a final judgment of conviction of felonious and intentional killing, the court may determine by a preponderance of evidence whether the killing was felonious and intentional for purposes of this part. The burden of proof is on the party

seeking to establish that the killing was felonious and intentional for the purposes of this part."

5. Here the allegation is that the father shot and killed the mother and then killed himself. Hence, we do not have a conviction. The court must then rely on preponderance of evidence. At this point all we have is hearsay. We have no admissible evidence. The verified petition does not indicate that the petitioner witnessed this activity. We have no police reports. We have no medical reports. We do have death certificates that indicate that each died of a gunshot wound to the head, however, it does not indicate that the gunshot wound was inflicted by the other parent.

RECOMMENDATION:

Require declaration concerning compliance with Pr. C. § 851. Require the presentation of admissible evidence to support the petition.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02441

CASE NAME: LOIS LEE HOLLAWAY

HEARING:
Petition for FIRST AND FINAL ACCOUNT, DISTRIBUTION, AND APPROVAL
OF COMPENSATION

COUNSEL:
FRED L HOLLAWAY (PET)...JUDITH LYNN PILSON
LOIS LEE HOLLAWAY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Did decedent's predeceased spouse receive health care benefits as defined in the Welfare and Institutions Code chapters 7 and 8? File supplemental.
2. File a graduated filing fee schedule as is required by Calif. Rules of Court Rule 7.552. This final report cannot be approved until any fees due are paid.
3. Attorney requests reimbursement of \$42 in costs advanced. Amount is itemized.
4. Petitioner requests permission to withhold \$2,500 in tax reserved.
5. Statutory fees are \$8,270. Petitioner waives fees.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 4-11-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02479

CASE NAME: GLORIA KARN

HEARING:
Petition for PAYMENT OF ATTORNEY'S FEES TO COURT APPOINTED
COUNSEL

COUNSEL:
GLORIA KARN (PET)...DAVID M GROSSMAN
NORMAN L KARN SR (INC)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for attorney fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter arose as a petition to transfer assets of an incompetent spouse to the competent spouse as their sole and separate property. Petitioner was appointed by the court to represent the interests of the incompetent spouse.
2. Counsel requests fees in the amount of \$1,170. Amount is itemized. It appears estate has sufficient assets to pay this amount.
3. Notice appears complete.
4. There is no opposition in the file.

RECOMMENDATION:
Recommended for approval absent objection.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02494

CASE NAME: ANTONIA D ANDRADE

HEARING:

Waiver of account and for final distribution.

COUNSEL:

MICHAEL D ANDRADE (PET)...PRO/PER
ANTONIA D ANDRADE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, a self-represented litigant, waives fees.
2. All heirs waive account.
3. File order after hearing.

RECOMMENDATION:

Recommended for approval. Set hearing for filing of receipts and discharge for 4-11-06.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02517

CASE NAME: ***MF*** GEORGE J STREIFEL

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

TERESA GRUBER	(PET)...	ROBERT L KERN
GEORGE J STREIFEL	(DEC)...	
GILBERT G STREIFEL	(OBJ)...	ROBERT L KERN

GENERAL INFORMATION Continued from 12-7-04. It should be noted that the petitioner has filed a demurrer to the will contest that has been filed in this case. That matter is scheduled for 2-8-05. It should further be noted that the petitioner in the will contest has filed a first amended will contest. Any pleading may be amended once of course at any time prior to the filing of an answer or demurrer. The amendment may also occur after the demurrer is filed, but prior to the hearing on the demurrer. (C.C.P. § 472). This would make the demurrer moot. Court may wish to take the demurrer off calendar for 2-8-05. The amendment has been served by mail. This does not correct the problem with service on number 2 below, but does satisfy the requirements of 472.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. A first amended will contest has been filed by Gilbert Streifel. File notice of hearing and proof of service in accord with the requirements of Pr. C. § 8250. (Issuance of summons and personal service required.) Each heir, devisee, executor and alternate executor must be served.
3. There was a competing petition filed in file RPR 02552. The court consolidated the 2 cases under the lower case number.

RECOMMENDATION:

Require objector to properly serve the will contest.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02549

CASE NAME: EVELYN NEWMAN

HEARING:
Petition for TO TRANSFER PROPERTY INTO LIVING TRUST

	COUNSEL:
JUDY ALVORD	(PET)...SUZANNE M GRAVES
EVELYN NEWMAN	(DEC)...

GENERAL INFORMATION continued from 12-7-04

THIS CASE IS SET FOR HEARING ON petition to determine that assets are a part of a trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner alleges that the decedent created a trust and then died before the assets were transferred into the trust. Petitioner now requests that the court find that the assets are in fact a part of the trust.
2. The only authority the petitioner cites is *Estate of Heggstad* (1993) 16 Cal. App. 4th 943, the facts of which are clearly distinguishable from the instant case. What *Heggstad* said was if the assets are set forth in Schedule A of the trust this establishes an intent on the part of the settlor that the assets be a part of the trust. It is not necessary to actually transfer by deed to the trust. Here, there is no Schedule A presented. There is merely a statement at Article 3 of the trust that states that the trustor was transferring all of her assets to the trust. While there may be other authority for the premise that this means that the assets not listed are in fact a part of the trust such authority is not presented in this petition.
3. List all persons entitled to notice in this matter.

RECOMMENDATION:

Require petitioner to provide authority for their position that the asset is in fact a part of the trust.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02599

CASE NAME: JOSEPHINE VAGNOZZI

HEARING:
Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:
LINDA BISCARDI (PET)...JOHN D MANNERINO
JOSEPHINE VAGNOZZI (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommended for approval. Set hearing for the filing of the inventory and appraisal for 8-9-05. Set hearing for the filing of a status report and/or accounting for 4-11-06. Any accounting to be filed 30 days in advance of hearing.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02600

CASE NAME: WILLIAM E RICHARDS TRUST

HEARING:

Petition for DETERMINE EXISTENCE OF A TRUST, TO APPROVE
COMBINATION OF TRUST INSTRUMENTS

COUNSEL:

DELPHINE M REININGER (PET)...DAVID M GROSSMAN
WILLIAM E RICHARDS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to determine existence of a trust, to approve combination of trust instruments and to appoint trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service in accord with Pr. C. § 17203. This would include notice to Sun America.
2. Petitioner alleges that the decedent created 2 trusts. One trust was created in 1997 and amended 2-26-03. The second trust was created on 7-14-03. Petitioner alleges that they cannot locate the 1997 trust and it is therefore not presented. A copy of the 2003 amendment to the 1997 trust and a copy of the 2003 trust are attached. Petitioner alleges that she is the sole beneficiary of both trusts. Petitioner alleges that an annuity written by Sun America Financial is an asset of the 1997 trust. Petitioner has requested that the annuity be paid to her, but Sun America has refused indicating that their contract indicates that the beneficiary of the annuity is the William Richards Living Trust. Petitioner alleges that the annuity should be paid directly to her as the sole beneficiary of the trust. Petitioner requests that she be named as the trustee of the 2003 trust as the named trustee refuses to act, that she be declared the beneficiary of the 1997 trust, that by virtue of the amendment to the 1997 trust that the terms of the 1997 and 2003 trusts are the same, that Sun America is holding property of the trust, requiring Sun America to account and compel Sun America to make all required payments to petitioner.

3. The first problem is that the petitioner does not have a copy of the 1997 trust. Because we have no copy of the 1997 trust we do not know if the trust could be amended and/or was amended in accord with the requirements of the trust. If the amendment was not done in accord with the requirements of the trust the amendment would be invalid.
4. The second problem is that the second trust does not make any mention of the 1997 trust, nor does it mention the annuity in question. If the annuity was the property of the 1997 trust then the blanket statement on Attachment A to the 2003 trust that it included all "personal effects which I may now own or hereafter acquire" would not include the annuity. The annuity would be part of the 1997, but not the 2003 trust.

RECOMMENDATION:

None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02601

CASE NAME: THE KAITZ TRUST AGREEMENT

HEARING:

Petition for AMEND TRUST AND TO APPOINT SUCCESSOR CO-TRUSTEE

COUNSEL:

SHIRLEY L KAITZ (PET)...LINDA J GLADSON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to amend trust and appoint successor co-trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the surviving settlor of the trust that became irrevocable on 6-1-04. The 4th amendment to the trust indicated that the surviving spouse (settlor) was to become successor co-trustee with PFF Bank. The bank has declined to act. The trust requires that there be an independent corporate co-trustee. Petitioner indicates that the assets of the trust are insufficient for it to be cost effective to employ a corporate trustee. Petitioner cites Pr. C. § 15408(a)(3) for the premise that if the court determines the assets of the trust are so low in relationship to the costs of administration the court can order the trust modified. The petitioner has supplied a statement of the assets of the trust. The majority of the value of the assets are held in the residence. All that remains besides the residence is \$105,242 in personal property. Petitioner alleges that the assets are too small to provide sufficient income to the estate.
2. Petitioner then asks that her daughter Debra Ann Strain be named successor co-trustee and if she or Debra cannot serve then her daughter Priscilla Jane Reinking shall be successor co-trustee. If the petitioner provides sufficient information to allow the court to find that the employment of a corporate trustee is not economically feasible under 15408 then the court has the power to name successor trustees under Pr. C. § 17200(b)(10).

RECOMMENDATION: None.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02602

CASE NAME: WILLIE MAE WASHINGTON

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
VALERIE WASHINGTON ROBINSON (PET)...JEFFREY J CZECH
WILLIE MAE WASHINGTON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer with full I.A.E.A and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond.

RECOMMENDATION:

Recommended for approval. Set hearing for the filing of the inventory and appraisal for 8-9-05. Set hearing for the filing of a status report and/or accounting for 4-11-06. Any accounting to be filed 30 days in advance of hearing.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02603

CASE NAME: CARMEN GARNICA BACA

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
JOHN T BACA (PET)...JOSEPHINE A. RICH
CARMEN G BACA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer with will annexed and full I.A.E.A and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond.

RECOMMENDATION:

Recommended for approval. Set hearing for the filing of the inventory and appraisal for 8-9-05. Set hearing for the filing of a status report and/or accounting for 4-11-06. Any accounting to be filed 30 days in advance of hearing.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02604

CASE NAME: REBECCA C URSUA

HEARING:
Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:
ELIZABETH CORPUS (PET)...LAMB MORRIS & LOBELLO
REBECCA C URSUA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.

RECOMMENDATION:

Recommended for approval. Set hearing for the filing of the inventory and appraisal for 8-9-05. Set hearing for the filing of a status report and/or accounting for 4-11-06. Any accounting to be filed 30 days in advance of hearing.

Rancho Superior Court
CIVCAL4
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE COMMISSIONER JOHN A CRAWLEY

DATE: 02/01/05 TIME: 10:30 DEPT: R17P

CASE #: RPRRS02605

CASE NAME: RICHARD R RODRIGUEZ

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

LOUIS RODRIGUEZ (PET)...STAPLETON & STAPLETON
RICHARD R RODRIGUEZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. File proof of publication.
3. File notice of petition to administer estate.
4. File duties.
5. Will names Juan Rodriguez, but he is not named in section 9 of the petition. File supplement.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the filing of the inventory and appraisal for 8-9-05. Set hearing for the filing of a status report and/or accounting for 4-11-06 . Any accounting to be filed 30 days in advance of hearing.